

Application No: 10/626,645
Reply to Office action of September 30, 2004

REMARKS/ARGUMENTS

Applicant notes the Examiner's objection to the drawings. The objection was particularly directed to the apparent lack of a specific, apparently word-for-word teaching, of specific restrictions which were included in Claims 23, 26, and 27, as originally filed. An amended paragraph 0057 now provides a very specific support for the feature which was and is claimed in Claim 23. Claims 26 and 27 have been cancelled, so the objection as to those claims is rendered moot.

In light of the amended paragraph 57, no corrections are required to the drawings, and none is made.

Applicant has amended Claim 1 so as to incorporate thereinto the teachings of Claims 2, 3, and 4. A discussion of Claim 1 will follow, hereafter

Claim 8 has been amended so as to now to depend from Claim 1.

Claim 16 has been amended so as to incorporate thereinto the teachings of Claims 17, 20 and 21. In other words, Claim 16 is now Claim 21 written in independent form. The Examiner has indicated allowability of that claim.

Claim 25 has been amended also so as to depend from Claim 1.

New Claim 30 reiterates the former teachings of Claim 16 together with the amended teachings of Claim 1. New Claims 31 and 32 reiterate the teachings of Claims 18 and 19, but depend from new Claim 30.

Applicant notes the rejection of Claims as set forth in the Official Action being responded to. Applicant notes that the Examiner has particularly identified a number of the claims against which objections have been made, but has not identified Claims 3 and 4. Indeed, as will be discussed hereafter, Applicant

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believes that the Examiner has recognized the allowability, at least of Claim 4 when written in independent form, as Claim 1 now is.

The Examiner particularly relies on Protz U.S. Patent 5,553,823 in a rejection made under 35 U.S.C. 102(b), stating that although Protz does not teach a flange detachably mounted by means of a tear line having a thinned cross-section, it does teach a connection 29 which the Examiner considers to be an equivalent alternative. The Examiner states: "It would have been obvious to a person having ordinary skill in the art to utilize a tear line if the holder is only intended to be used once."

That position which is taken by the Examiner is, it is respectfully submitted, quite incorrect, and is absolutely and completely contrary to the teachings of the patent. Protz teaches a wreath hanger which is intended "for displaying wreaths and other decorative items such as garlands, Christmas tree ornaments and the like on the door at Christmas time." (column 1, lines 5 – 7). Very specifically, the whole purpose of Protz is to permit the use of a seasonal hanger which fits over a door in such a manner that the "bight 28 [is] sufficiently thin so as when mounted on a door, the door will be able to be opened and closed without undue friction or destruction of the mounting member 25." (column 2, lines 13 – 16).

Why, one asks would any person skilled in the art look to the teachings of Protz, which is very, very specifically intended for seasonal use and, when the season is finished, to be removed, in order to arrive at a structure which would only be intended to be used once by being permanently fixed to a mounting surface? The answer is: no one would do that.

Moreover, having arrived at a device which provides for hanging wreaths at Christmas time, Protz provides a device where the wreath or other ornament may be hung at particular convenient or desired height. Thus, the hanger "can be extended to any desired distance to position a wreath or other decorative item at

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a convenient height respective of the height of the door." (column 1, lines 23 – 25) Indeed, the device is sufficiently strong as a consequence of its own tensile strength that it is operative irrespective of the weight of the decorations to be hung thereon.

Protz provides an extension member 45, or several such extension members, that are snapped onto the connection device 21. More particularly, the end 48 of the strap 46 is positioned over the connection device 29 and snapped into place such that the nib 33 fits into the groove 61 thereby to lock "the first extension member 45 into place on the mounting member 25. One or more or no extension members may be used as necessary since each extension member has a both (sic) connection device 49 and an aperture 59 at opposite ends thereof. Finally, the hook member 35 is snapped fitted (sic) onto the connection device 49 on the last extension member 45 such that the groove 41 of the hook member 35 receives via the nib 53 on the associated extension member 45." (column 2, lines 40 – 52)

The Examiner's contention that the connection 29 is an equivalent alternative to the tear line is, it is respectfully submitted, quite incorrect, and flies in the face of the entire teachings of the Protz patent.

Therefore, Applicant respectfully submits that the Protz patent does not function as an anticipatory prior art citation in any manner whatsoever, and respectfully submits that all of the claims clearly define thereover.

As to the Stingl reference 2,626,472, its purpose is to provide a price tag which fits into an already existing price tag holder, and that price tag includes side members which are arranged with one set of folds facing outwardly and the other set facing inwardly so as to provide a pair of channels on one side which faces inwardly toward each other, and a pair on the other side facing away from each other. A flexible resilient cover strip of transparent sheet material is arranged with its opposite edge secured in the inwardly facing channels, and the outwardly facing channels are adapted to receive inwardly facing flanges on a supporting

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strip so as to be held in position on the flanges by the resilient action of the strip. The entire structure fits on to present shelf mouldings, and is such that it will automatically adjust itself to different sizes or variations of those shelf mouldings.

The particular issue to be raised in these remarks is the Examiner's contention that Stingl teaches that the flange 33 is detachably mounted to the spine as shown in Figure 4. That is not the case. Figure 4 shows the mounting of the spine 10 to the flange 33 by rivets 37. Rivets can hardly be said to be "detachable".

The Examiner also suggests that it would be obvious to a person having ordinary skill in the art to arrange the spine and flange of the present invention to the most comfortable angle for viewing. Not at all. The whole purpose of the present invention is to provide a spine which is attached permanently to the face of a shelf or other display device, after which the flange is removed by operation of the tear strip. Is the Examiner suggesting that the entire shelf be arranged at a convenient viewing angle? It is not believed that is the case, and therefore no teaching of Stingl can be applied to the present invention.

More particularly, since the primary reference to Protz is entirely unrelated to the present invention, teaches away from the present invention, and has nothing to do with the provision of a permanently mounted information display system whose mounting comprises the removal of a detachably mounted flange to the spine when it is in place; the accordingly, a rejection under 35 U.S.C. 102 or 103 with respect to Protz, or Protz and Stingl, must fail. References which teach away from the claim language are not valid references.

Accordingly, Applicant urges prompt allowance of the present application, and respectfully solicits such action.

Applicant has reviewed the disclosure and believes that the Examiner's review has been so complete that no other issues arise.

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Applicant believes that, through this Response, all attempts have been made in good faith to address all outstanding issues. Thus, entry of this Response into the file, and allowance of this application, are earnestly solicited.

Conclusions

Applicant respectfully requests that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

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Attachments